

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDRE JUSTE,
Plaintiff,
v.
JOHN B. REID, et al.,
Defendants.

Case No. 16-cv-07120-HSG (PR)

ORDER OF TRANSFER


Plaintiff, a detainee at the Buffalo Federal Detention Facility in Batavia, New York, filed this action against employees of the United States Department of Justice's Executive Office for Immigration Review, Office of Information Policy, and Justice Management Division. His claims concern his inability to obtain documents and other concerns relating to his immigration proceedings.

When jurisdiction is not founded solely on diversity, as here, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). The acts complained of here occurred in Batavia, New York, which is in the Western District of New York. There appears to be no link to this district. Venue, therefore, properly lies in that district and not in this one.

1 This case is therefore TRANSFERRED to the United States District Court for the Western
2 District of New York. *See* 28 U.S.C. § 1406(a). In view of the transfer, the Court will not rule
3 upon plaintiff's request for leave to proceed in forma pauperis. The Clerk shall transfer the file
4 forthwith.

5 **IT IS SO ORDERED.**

6 Dated: 1/12/2017

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9 HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California